



Attorney Docket No. 44846.830002.000  
Express Mail Label No. EL379007726US

#4  
BT  
1/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

MARQUETTE

Serial No. 09/965,057

Filed: September 26, 2001

For: MEDIA SESSION FRAMEWORK USING A  
CONTROL MODULE TO DIRECT AND  
MANAGE APPLICATION AND SERVICE  
SERVERS

Examiner:

Art Unit:

RECEIVED

DEC 10 2001

Group 2100

PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Petition Under 37 C.F.R. § 1.48(a)

Applicants hereby petition the Assistant Commissioner to correct the inventorship of the above referenced application. As demonstrated by the declaration of Mr. Hernandez, Mr. Hernandez is a co-inventor of the above referenced application, but his name was omitted through error made without deceptive intent.

In accordance with 37 C.F.R. § 1.48(a), the applicants are enclosing:

a check in the amount of \$130.00 is enclosed as prescribed in 37 C.F.R. § 1.17(i);

a declaration signed by Mr. Hernandez stating he was omitted as an inventor through error made without deceptive intent;

the consent of the assignee, SandCherry Networks, Inc.;

a supplemental declaration containing a correct declaration from the correct inventive entity; and

this petition.

12/06/2001 MWOLDER1 00000084 09965057

02 FC:122

130.00 OP

OK to enter  
1/7/02  
MS

In light of the above and the attachments thereto, it is respectfully requested that the inventorship of this application be corrected. If any additional fees are necessary for consideration of this petition, please charge Deposit Account No. 08-2623. One additional copy of this petition, without attachments, is attached.

If anyone in the U.S. Patent and Trademark Office wishes to discuss any aspect of this petition, they should call the undersigned attorney at 303-295-8170.

Signed at Denver, Colorado, this the 30 day of October 2001.

Respectfully Submitted



Brian P. Kinnear, Reg. No. 43,717

Holland & Hart LLP

555 17<sup>th</sup> Street, Suite 3200

Denver, CO 80202

Telephone: (303) 295-8170

Facsimile: (303) 295-8261



26582  
PATENT, TRADEMARK OFFICE

12-04-0

GA4/2152 \$

Client Matter No. 44846.830002.000  
Express Mail Label No. EL379007726US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

MARQUETTE, Brian

Serial No.

Filing Date: Herewith

For: MEDIA SESSION FRAMEWORK USING A CONTROL  
MODULE TO DIRECT AND MANAGE APPLICATION  
AND SERVICE SERVERS

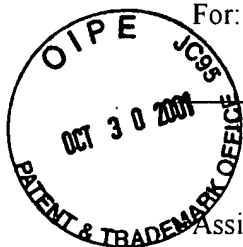
Examiner: Not Yet Assigned

Art Unit: 2152

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Group 2100



CERTIFICATE OF MAILING BY EXPRESS MAIL

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned hereby certifies that the enclosed

1. Petition to Correct Inventorship Under 37 C.F.R. § 1.48(a);
2. Consent of Assignee SandCherry Networks, Inc. to Correct Inventionship;
3. Declaration of Robert Hernandez;
4. Supplemental Combined Declaration and power Of Attorney for Patent Application;
5. Fee Transmittal for FY 2001;
6. Assignment of Recordation Cover Sheet;
7. Check in the amount of \$170.00 (\$130.00 for required petition fee; \$40.00 for Recordation of Assignment;
8. Information Disclosure Statement, PTO 1449 Form, References;
9. Certificate of Mailing by Express Mail; and
10. Return Card,

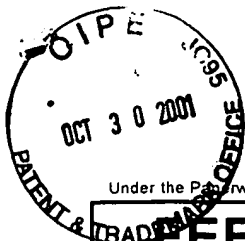
relating to the above application, were deposited as "Express Mail," Mailing Label No. EL879585348US with the United States Postal Service, addressed to Assistant Commissioner for Patents, Washington, D.C., 20231, on this October 30, 2001.

October 30, 2001

Mailer

October 30, 2001

Brian P. Kinneer, Reg. No. 43,717  
HOLLAND & HART LLP  
555-17th Street, Suite 3200  
Post Office Box 8749  
Denver, Colorado 80201  
Telephone: (303) 295-8170  
Facsimile: (303) 295-8261



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Group 2100

PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Patent Work Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL FOR FY 2001

Patent fees are subject to annual revision

TOTAL AMOUNT OF PAYMENT (\$170.00)

**Complete if Known**

Application Number	
Filing Date	September 26, 2001
First Named Inventor	MARQUETTE, et al.
Examiner Name	Not Yet Assigned
Group Art Unit	2152
Attorney Docket No.	44846.830002.000

**METHOD OF PAYMENT**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 08-2623  
Deposit Account Number 08-2623

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
101 710 201 355		Utility filing fee	
106 320 206 160		Design filing fee	
107 490 207 245		Plant filing fee	
108 710 208 355		Reissue filing fee	
114 150 214 75		Provisional filing fee	

SUBTOTAL (1) (\$)

**2. EXTRA CLAIM FEES**

Total Claims  - 20\*\* =  X  =   
Independent Claims  - 3\*\* =  X  =   
Multiple Dependent  =

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
103 18 203 9		Claims in excess of 20	
102 80 202 40		Independent claims in excess of 3	
104 270 204 135		Multiple dependent claim, if not paid	
109 80 209 40		** Reissue independent claims over original patent	
110 18 210 9		** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
105 130 205 65		Surcharge - late filing fee or oath	
127 50 227 25		Surcharge - late provisional filing fee or cover sheet	
139 130 139 130		Non-English specification	
147 2,520 147 2,520		For filing a request for <i>ex parte</i> reexamination	
112 920* 112 920*		Requesting publication of SIR prior to Examiner action	
113 1,840* 113 1,840*		Requesting publication of SIR after Examiner action	
115 110 215 55		Extension for reply within first month	
116 390 216 195		Extension for reply within second month	
117 890 217 445		Extension for reply within third month	
118 1,390 218 695		Extension for reply within fourth month	
128 1,890 228 945		Extension for reply within fifth month	
119 310 219 155		Notice of Appeal	
120 310 220 155		Filing a brief in support of an appeal	
121 270 221 135		Request for oral hearing	
138 1,510 138 1,510		Petition to institute a public use proceeding	
140 110 240 55		Petition to revive - unavoidable	
141 1,240 241 620		Petition to revive - unintentional	
142 1,240 242 620		Utility issue fee (or reissue)	
143 440 243 220		Design issue fee	
144 600 244 300		Plant issue fee	
122 130 122 130		Petitions to the Commissioner	
123 50 123 50		Processing fee under 37 CFR 1.17(q)	
126 180 126 180		Submission of Information disclosure Stmt	
581 40 581 40		Recording each patent assignment per 40 property (times number of properties)	40.00
146 710 246 355		Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710 249 355		For each additional invention to be examined (37 CFR § 1.129(b))	
179 710 279 355		Request for Continued Examination (RCE)	
169 900 169 900		Request for expedited examination of a design application	
		Other fee (specify) Required Petition Fee	130.00

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$170.00

**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	Brian P. Kinnear	Registration No. (Attorney/Agent)	43,717	Telephone	303-295-8261
Signature		Date	October 30, 2001		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorize on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.2865438\_1.DOC

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Express Mail No.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

MARQUETTE .

Examiner: Not Yet Assigned

U.S. Serial No. 09/957,057

Filing Date: September 26, 2001

Art Unit: Not Yet Assigned

For: MEDIA SESSION FRAMEWORK USING A CONTROL MODULE TO DIRECT  
AND MANAGE APPLICATION AND SERVICE SERVERS

CONSENT OF ASSIGNEE SANDCHERRY NETWORKS, INC.  
TO CORRECT INVENTIONSHIP

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

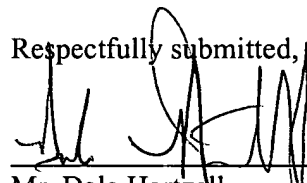
I, Dale Hartzell, acting on behalf of, and authorized to sign for, SandCherry Network, Inc. believe that SandCherry Network, Inc., owns the entire right, title, and interest in the above-identified U.S. application 09/957,057, because of agreements between SandCherry Network, Inc. and certain of the inventors during the inventors employment by SandCherry Network, Inc. and by assignments, which assignments are filed herewith.

Upon information and belief, I further believe that Brian Marquette and Robert Hernandez are co-inventors of the subject matter claimed in U.S. application 09/957,057. Further, I believe that Mr. Hernandez was not originally included as an inventor through error made without deceptive intent.

SandCherry Network, Inc. hereby consents to have the inventorship of U.S. application 09/957,057 corrected by adding Robert Hernandez as an inventor.

Date **RECEIVED**  
**OCT 30 2001**  
**HOLLAND & HART LLP**

Respectfully submitted,

  
Mr. Dale Hartzell  
Vice President, Sales and Marketing  
SandCherry Networks, Inc.

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